

## **REMARKS**

### STATUS OF CLAIMS

Claims 1-20 are pending.

Claims 1-20 stand rejected by the Examiner.

Claims 1, 6-8, 13 and 18-20 have been amended, without prejudice, herein.

### REMARKS

#### **I. Rejection under 35 USC 102(b)**

Claims 1, 2, 6, 9, 11, 12, 13, 14 and 18 are rejected under 35 USC 102(b) over U.S. patent No. 6, 938,285-Fernie et al. Independent claims 1 and 13 have been amended. Dependant claims 6-8 and 18-20 have also been amended for clarity. Support for the claim amendments appears in paragraphs 0045-0046 and Figure 8. Applicant has amended independent claims 1 and 13 to recite that the open frame has a center rail with a pair of arch shaped stretcher attachment elements. This aspect of the invention is not disclosed in the Fernie reference. Fernie utilizes straight beam members 20. The beam members are coupled to lengthy adjustable tension members 19.

Claims 2, 6, 9, 11 and 12 are dependent on claim 1 are allowable with claim 1. Claims 14 and 18 are dependent on claim 13 and are allowable with claim 13. The dependent claims also provide structure that combined with claims 1 or 13 are allowable in their own right.

#### **II. Rejection under 35 USC 103(a)**

Claims 1, 6, 7, 8, 13, 18, 19 and 20 are rejected under 35 USC 103(b) over U.S. patent No. 3,351,959 – Turpin in view of Fernie. Independent claims 1 and 13 have been

amended. Dependant claims 6-8 and 18-20 have also been amended for clarity. Support for the claim amendments appears in paragraphs 0045-0046 and Figure 8. Applicant has amended independent claims 1 and 13 to recite that the open frame has a center rail with a pair of arch shaped stretcher attachment elements wherein each arched stretcher attachment element has a pair of ends that can be positioned generally adjacent to a corner of the stretcher. This aspect of the invention is not disclosed or suggested by the prior art of record. As noted above, Fernie utilizes straight beam members 20. The beam members are coupled to lengthy adjustable tension members 19. Turpin is similar in that it discloses a tubular member 11 having a chains 13 and side frames 17 attached to each end of the tubular member. The invention is advantageous in that lengthy chains or straps are eliminated. This provides a more rigid structure with improved stability of the attached stretcher.

In the official action with respect to claim 8, it is stated that it would have been obvious to utilize hemispherical arms since "it has been held that the particular configuration of a claimed device is an obvious modification absent evidence of significance (citing *In re Dailey*). However, Applicant has pointed out specific advantages of the invention as claimed, namely the elimination of lengthy chains or tension members. By positioning the ends of the stretcher attachment elements generally adjacent to the stretcher corners as shown in Figure 8, stability is improved (e.g., it is less likely the stretcher will swing or oscillate). Both Fernie and Turpin expressly teach away from such a configuration since they teach the exact opposite (i.e., of lengthy chains or tension members). As such the prior art of record provides no reason for why a person having ordinary skill in the art would combine the elements as recited in claims 1 and 13.

Claims 6, 7 and 8 are dependent on claim 1 are allowable with claim 1. Claims 13, 18, 19 and 20 are dependent on claim 13 are allowable with claim 13. The dependent claims also provide structure that combined with claims 1 or 13 are allowable in their own right.

### **III. Summary**

Having fully addressed the Examiner's and rejections, it is believed that in view of the preceding remarks, this entire application stands in a condition for allowance. If, however, the Examiner is of the opinion that such action cannot be taken, he is invited to contact the applicants' attorney at the number and address below in order that any outstanding issues may be resolved without the necessity of issuing a further Action. An early and favorable response is earnestly solicited.

This response is accompanied by the appropriate request for extension of time.

Please address all future correspondence to Intellectual Property Docket Administrator, Gibbons P.C., One Gateway Center, Newark, NJ 07102. Telephone calls should be made to Daniel S. Goldberg by dialing Area Code (215) 446-6257.

**V. Fees**

Please charge the fee of Five Hundred and Ten Dollars (\$510) for a Three Month Extension of Time to Deposit Account Number 03-3839. If any additional fees are due in respect to this amendment, please charge them to Deposit Account No. 03-3839.

Respectfully submitted,

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